

Patent
Attorney's Docket No. 033352-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
TONY CRUZ, et al.) Confirmation No. 4565
Application No.: 09/978,309) Group Art Unit: 1653
Filed: October 15, 2001) Examiner: Unassigned
For: COMPOSITIONS AND METHODS)
FOR TREATING CELLULAR)
RESPONSE TO INJURY AND)
OTHER PROLIFERATING CELL)
DISORDERS REGULATED BY)
HYALADHERIN AND)
HYALURONANS)

RECEIVED
AUG 19 2002
TECH CENTER 1600/2900

DECLARATION OF DR. TONY CRUZ

The Director of Technology Center 1600
Washington, DC 20231

Dear Sir:

I, Tony Cruz, a citizen of Canada, hereby declare and state:

1. I am a named co-inventor of the above-captioned patent application, which is assigned to Transition Therapeutics Inc.

2. I am President and CEO of Transition Therapeutics Inc.

3. The subject of the above-referenced application is a major asset of Transition Therapeutics Inc.

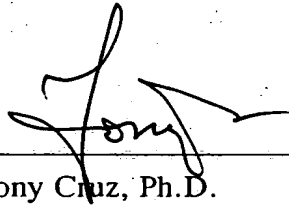
4. It is my belief that the development of the technology will be significantly impaired if examination of the above-referenced application is delayed.

5. It is my belief that Transition Therapeutics Inc. needs examination of and issuance of a patent from the above-referenced patent application in order to obtain funding.

Without funding, the development of the technology will be significantly impaired.

Therefore, the development of the technology will be significantly impaired if examination of the above-referenced application is delayed.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A handwritten signature in black ink, appearing to read 'Tony', is written over a horizontal line.

Tony Cruz, Ph.D.

President and CEO of Transition Therapeutics Inc.

Date: July 28/02

Applicant or Patentee: TONY CRUZ et al.

Application or Patent No.: 09/978,309

Filed or Issued: October 15, 2001

For: Compositions and Methods for Treating Cellular Response to Injury and Other Proliferating
Cell Disorders Regulated by Hyaladherin and Hyaluronans

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Transition Therapeutics Inc.

ADDRESS OF CONCERN 415 Yonge Street, Suite 1103, Toronto, Ontario, Canada M5B 2E7

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. part 121 for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled Compositions and Methods for Treating Cellular Response to Injury and Other Proliferating Cell Disorders Regulated by Hyaladherin and Hyaluronans by inventor(s) Tony Cruz, Aleksandra Pastrak and Eva A. Turley described in

- ☐ the specification filed herewith
☒ Application No. 09/978,309, filed October 15, 2001
☐ Patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

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(12/97)

NAME _____

ADDRESS _____
☐ individual ☐ small business concern ☐ nonprofit organization

NAME _____

ADDRESS _____
☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Tony Cruz

TITLE OF PERSON OTHER THAN OWNER President and Chief Executive Officer

ADDRESS OF PERSON SIGNING Transition Therapeutics Inc., 415 Yonge Street, Suite 1103,
Toronto, Ontario, Canada, M5B 2E7

SIGNATURE _____

DATE _____

July 29/02